

In re Patent Application of:
WESTPHAL ET AL
Serial No. **10/750,373**
Filed: **DECEMBER 31, 2003**

REMARKS

Claims 1-17 remain in the application prior to this response. Claims 1-4 and 14-17 were rejected and claims 5-13 objected to as being dependent upon rejected claims but were indicated to be otherwise allowable.

The Examiner rejected claims 1-4 and 14-17 under 35 U.S.C. § 102 as anticipated by Bulow. Claims 1, 2, 4 and 14-17 have been cancelled. Claim 3 has been amended to place it in independent form.

With respect to claim 3, the Examiner argues that Figure 21 of Bulow constitutes an anticipation because the "control unit cs1, cs2" may be electrical inputs. While it is true that inputs cs1 and cs2 of the Bulow reference may be electrical as cited by the Examiner, those inputs do not correspond to the logical inputs, which are being controlled. In Figure 1 of the application under consideration, control signals 1 and 2 constitute the inputs, which are being logically combined. That is not the case with control input cs1 and cs2 of the Bulow reference. Rather, the control signals 1 and 2 from the application correspond to "operand signals" op1 and op2 of the Figure 21 embodiment to Bulow. See column 24, line 27. Also in column 24, beginning line 33, the fact that the control signals of Bulow control an operational mode of the "optical amplitude regulators" oar1 and oar2 show a much different function than that performed by control signals 1 and 2 of this application. Thus, Bulow does not anticipate claim 3 as amended.

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Accordingly, applicants respectfully request that the Examiner reconsider the rejection of claim 3 and permit the application to issue as a patent.

Claims 5-13 were indicated as shown to allowable subject matter. Claim 5 has now been made independent.

A change of inventorship is submitted concurrently herewith to correct an error in inventorship.

For the reasons indicated, each of the claims remaining in the application distinguishes patentably from the prior art applied by the Examiner. Accordingly, the Examiner is requested to reconsider his rejections and to allow all of the claims remaining in the application.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, on this 27 day of December, 2004.

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